

SIKKIM

GOVERNMENT



GAZETTE

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

Gangtok

Thursday 20th August, 2009

No. 310

**GOVERNMENT OF SIKKIM
LAW DEPARTMENT
GANGTOK**

No. 5/LD/P/2009

Date: 19.08.2009

NOTIFICATION

The following Act passed by the Sikkim Legislative Assembly and having received the assent of the Governor on 4th day of August, 2009 is hereby published for general information:-

THE SIKKIM ROAD RESERVE (PROTECTION AND PRESERVATION)

ACT, 2009

(ACT NO. 5 OF 2009)

AN

ACT

to provide for the protection and preservation of areas falling under road reserve and for matters connected therewith.

Be it enacted by the Legislature of Sikkim in the Sixtieth Year of the Republic of India as follows:-

Short title, extent and Commencement. 1. (1) This Act may be called the Sikkim Road Reserve (Protection and Preservation) Act, 2009.

(2) It extends to the whole of Sikkim.

(3) It shall come into force on such date as the State Government may by Notification in the Official Gazette appoint.

Definitions. 2. In this Act, unless the context otherwise requires:-

(a) 'Act' means the Sikkim Road Reserve Act, 2009;

- (b) 'Authority' means the Roads and Bridges Department, Government of Sikkim, or any other Department or Agency the Government may authorize through such Officers as may be designated;
- (c) 'Government' means the State Government of Sikkim;
- (d) 'Department' means the Roads and Bridges Department, Government of Sikkim, or any other Department or Agency the Government may authorize;
- (e) 'Building' means and includes any structure, house, sheds or kuchcha house, tea stalls, pan shops, sheds or dhabas of whatever material and in whatever manner constructed which falls under the road reserve and also includes doors, stairs, attach drains of the building, walls, railings, advertisement boards, hoardings, pipeline, cable lines sewer lines, temporary structures, electricity posts and line, telephone lines etc.
- (f) 'notification' means a notification published in the Official Gazette;
- (g) 'public place' means a road, street, way footpath or other place to which the public have right to access and includes any place or taxi stand at which passengers are board and onboard by a public or private vehicle;
- (h) 'road' means and includes all the State Highways, district roads and other roads constructed and maintained by the Government or its authorized agencies;
- (i) 'road reserve' means such portion of land lying within such distance from the centre on either side of such roads or highways as may be prescribed in any law but shall not include reserved forest area on either side of the road or any other notified areas specially earmarked for exclusive use by any other authorities.

**Right to enter into 3
road reserve where
the land is under the
name of the State
Government.**

Where the road reserve has been vested in the name of the State Government it shall be lawful for the persons authorized by the State Government on behalf of the Government to enter and perform such act as may be necessary upon the land for carrying out maintenance, repair, management of the road and building / bungalow or the part thereof, or any other work connected therewith.

**Restriction of 4
construction on road
reserve for public
utilities, drains etc.**

- (1) No person or Organisation, shall construct any road, buildings, install, erect, repair sewer canal, water pipe lines, cables, telephone box advertisement or other hoardings of any kind on road reserve or across the road without a prior written permission of the Authority.
- (2) No person or Organisation, shall dump any construction materials or debris, deface walls or any other appurtenances or road furnitures erected by the Government along the road reserve area without the prior written

permission of the competent authority. Any damages to such appurtenances or road furnitures shall be made good by the concerned person or Organisation as the Department may fix and within the financial limit that may be prescribed by the Authority.

(3) No person or any Organisation, shall remove road traffic signs and caution signals, signboards, that have been erected by the Government for regulating and controlling traffic and movement of the pedestrians on the road. Such person shall be penalized as per provision in the rules as may be prescribed.

**Prevention of
encroachment
In the road reserve**

5. (1) All lands forming part of road reserve which vests in the State Government or which do not vest in the State Government but have been acquired for the purpose of this Act and other State Acts be deemed to be the property of the State.

(2) Any encroachment into the road reserve by any person shall be deemed to be an unauthorized occupation and such person shall be evicted in accordance with the provisions contained in the Sikkim Public Premises (Eviction of un-authorized occupants and Rent Recovery) Act 1980.

Offence and Penalty

6. If any person who has been evicted from any unauthorized occupation on a road reserve again occupies without permission for such occupation he/she shall be punishable with imprisonment for a term which may extend up to one year.

Power to make Rules

7. The State Government may by notification in the Official Gazette make rules for carrying out the purpose of the Act.

By Order.

R.K. PURKAYASTHA (SSJS)

LR-cum-SECRETARY

Law Department

File No. 16 (82) LD/P/2009

